## Case 7:23-cv-00047-DC Document 61-3 Filed 05/06/24 Page 1 of 3

 From:
 Elmore, Dwayne

 To:
 Nichols, Clay

 Cc:
 Fuhlendorf, Sam

Subject: [EXTERNAL] Re: USFWS Lesser Prairie-Chicken Species Status Assessment

Date:Tuesday, April 14, 2020 8:39:23 PMAttachments:Earl et al-2016-Ecosphere.pdf

Fuhlendorf et al. 2017.pdf Peterson okstate 0664M 15857.pdf

Tanner et al. 2019 Biodiversity&Conservation.pdf

Unger okstate 0664D 15507.pdf

## Hello Clay.

I have attached 3 recent thesis/dissertations. This work has thus far resulted in 3 peer-reviewed publications that are relevant to LPC (also attached). In addition, we have 2 other LPC publications in the final stages of peer review, both of which will likely be accepted within the next couple of months. I will send those as soon as they are accepted. We are also about to submit an additional LPC publication in the next month that will hopefully be accepted this summer. Please let me know if you have any questions.

Thank you.

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**From:** Nichols, Clay <Clay\_Nichols@fws.gov> **Sent:** Monday, April 13, 2020 3:07 PM

Subject: USFWS Lesser Prairie-Chicken Species Status Assessment

\*\*External Email - Please verify sender email address before responding.\*\*

Dear Lesser Prairie-Chicken Researchers,

As you may already be aware, the lesser prairie-chicken (LEPC) became a candidate for listing under the Endangered Species Act (ESA) in 1998 and was listed as a threatened species in 2014. The listing was vacated in 2015 following a lawsuit. In September 2016, the U.S. Fish and Wildlife Service (Service) received a new petition to list the LEPC as endangered, and in November 2016, the Service made a 90-day finding that the petition provided substantial information indicating the petitioned action may be warranted. In September 2019, following

a lawsuit for failure to complete a 12-month petition finding, the Service and plaintiffs agreed the Service would publish a 12-month finding no later than May 26, 2021. We are now evaluating the LEPC to make a 12-month petition finding to determine whether listing under the ESA is warranted.

In the winter of 2017, the Service developed a draft Species Status Assessment (SSA) report that underwent peer and partner review, but was never finalized or made public. To inform our upcoming 12-month petition finding, the Service is updating the 2017 draft SSA report to ensure we are incorporating the best available scientific and commercial data on the LEPC. Once completed, the updated draft SSA report will undergo peer and partner review.

To ensure a comprehensive SSA, we are seeking the following new information regarding the lesser prairie-chicken:

- (1) Historical and current status, range, distribution, and population size, including the locations of any additional populations;
- (2) Life history, ecology, and habitat use;
- (3) Ongoing or planned conservation efforts; and,
- (4) Threats to this species' continued existence.
- (5) Publications of recently completed research you are conducting which you would be willing to share.
- (6) Summaries of any ongoing research you are conducting (including schedule for potential completion and publication) which you would be willing to share.

A 12-month petition finding will be made no later than May 26, 2021, and will be published in the Federal Register.

While we will accept new information throughout this process, we respectfully request you provide any pertinent information to us by May 15, 2020. This timeline ensures that over the next twelve months we consider the best available information while finalizing our SSA report, and ultimately supports the preparation of a recommendation for management determination. Please submit Information to Clay Nichols, species lead for the LEPC, at <a href="mailto:clay\_nichols@fws.gov">clay\_nichols@fws.gov</a>. All data and information submitted to the Service, including names and addresses, will become part of the administrative record and available for public inspection.

Thank you for your interest in the conservation of the LEPC. We appreciate your willingness to participate in this process. If you would like additional information or have any questions about the LEPC SSA, please contact Clay Nichols at 817-471-6372 or clay\_nichols@fws.gov.

Thank You

Clay

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